

REMARKS

Claims 1,2,5,17,20,22-25 and 34-38 are pending in the case. Claims 3-4, 6-16, 18-19, 21, 26-33 and 39-41 are canceled as drawn to non-elected subject matter

Claims 1,2,5,17,20,22-25 and 34-38 are rejected under 35 USC § 112 and claims 20, 22,25 and 34 are objected to.

Claim 5 is canceled.

Claims 1, 20, 22, 25 and 34 have been amended to more clearly define applicants invention.

No new matter has been added.

Election/Restrictions

Applicants acknowledge the finality of the election of Group 1, claims 1,2,3,17,20, 22-25 and 34-38.

Specification

The specification is objected to as containing embedded hyperlinks. The specification has been amended accordingly.

Claim Objections

Claims 20, 22, 25 and 34 are objected to as being dependant on canceled claims. The claims have been amended to over come this objection.

Claim Rejections – 35 USC § 112

Claims 1,2,5,17,20, 22-25 and 34-38 are rejected under 35 USC § 112, first paragraph for lack of written description. The examiner suggests that the specification does not adequately describe all varieties of sequences that hybridize to a nucleic acid sequence encoding the polypeptide of SEQ ID NO:2 and that varieties of such are likely not to have rep protein function. The same arguments is put forth relation to nucleic acid molecules that encode polypeptides having at least 70% identity to SEQ ID NO:2, as stated in Claim 5. Applicants respectfully traverse.

Claim 5 is canceled.

Claim 1 has been amended to insist that the limitation of rep function be a limitation of the claim as opposed to the preamble. Additionally, part (b) of claim 1 has been amended to clarify the hybridization conditions. Basis for this amendment may be found on page 9, lines 16-17 of the specification. Applicants submit that the specification provides adequate description for all nucleic acid sequences encoding the polypeptide of SEQ ID NO:2 which additionally have display rep function.

In view of the foregoing applicants request removal of all rejections and reconsideration of the claims as amended.

Respectfully submitted,



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